

JAMES R. GRAVLEY
SBN: 08313300
GRAVLEY & LEGGETT, PLLC
P.O. BOX 3579
ABILENE, TEXAS 79604-3579
PHONE: (325) 677-4190
FAX: (325) 677-4195
Email: lawyer@gravleyleggett.com

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

IN RE:	§	CASE NO. 18-50214-RLJ-11
	§	
REAGOR-DYKES MOTORS, LP,	§	HEARING DATE: NOVEMBER 14, 2018
DEBTOR	§	AT 1:30 P.M.

IN RE:	§	CASE NO. 18-50215-RLJ-11
	§	
REAGOR-DYKES IMPORTS, LP,	§	(Jointly Administered Under
DEBTOR	§	Case No. 18-50214)

IN RE:	§	CASE NO. 18-50216-RLJ-11
	§	
REAGOR-DYKES AUTO COMPANY,,	§	(Jointly Administered Under
DEBTOR	§	Case No. 18-50214)

IN RE:	§	CASE NO. 18-50217-RLJ-11
	§	
REAGOR-DYKES AUTO COMPANY, LP,	§	(Jointly Administered Under
DEBTOR	§	Case No. 18-50214)

IN RE:	§	CASE NO. 18-50218-RLJ-11
	§	
REAGOR-DYKES PLAINVIEW, LP,	§	(Jointly Administered Under
DEBTOR	§	Case No. 18-50214)

IN RE:	§	CASE NO. 18-50219-RLJ-11
	§	
REAGOR-DYKES FLOYDADA, LP,	§	(Jointly Administered Under
DEBTOR	§	Case No. 18-50214)

ALLY FINANCIAL'S MOTION FOR RELIEF FROM AUTOMATIC STAY

TO THE HONORABLE JUDGE OF SAID BANKRUPTCY COURT:

NOW COMES Ally Financial ("Ally") and files this Motion for Relief from Automatic Stay, and in support hereof would show the Court as follows:

I.

This is a motion under Bankruptcy Rule 4001 and Local Bankruptcy Rule 4001, seeking relief under Section 362 of the Bankruptcy Code.

II.

Ally is qualified to do business within the State of Texas. Reagor-Dykes Imports, LP is one of the Debtors in the above-referenced Chapter 11 proceeding. A Trustee has not been appointed in this case.

III.

Ally is the holder of a claim against Reagor-Dykes Imports, Inc. pursuant to a ComTRAC SM Lease Agreement (the "Lease") dated as of April 3, 2014, executed by Reagor-Dykes Imports, Inc., as Lessee, and by Ally Financial, as Lessor. A true and correct copy of the Lease is attached hereto as Exhibit "A" and incorporated herein by reference. The vehicle described in the Lease (the "Vehicle") is a 2014 Lamborghini LP550-2 Coupe E-Gear, vehicle identification number ZHWGU5BZ5ELA13855. A true and correct copy of the certificate of title to the Vehicle is attached hereto as Exhibit "B" and incorporated herein by reference.

IV.

Default has occurred under the terms of the Lease. A true and correct copy of a letter from Ally, dated September 6, 2018, showing the status of payments under the terms of the Lease and a

net payoff is attached hereto as Exhibit “C” and incorporated herein by reference. Post-petition payments are not being made to Ally under the Terms of the Lease. In addition, Ally has been unable to confirm that the Vehicle is covered by insurance as required in the Lease.

V.

Ally would show the Court that pursuant to Section 362(d)(1) of the Bankruptcy Code, it is entitled to relief from the automatic stay with respect to the Lease and Vehicle for cause, such cause including but not limited to the following:

1. The Debtor is in default under the terms of the Lease and is failing to pay monthly installments under the terms of the Lease as they become due and payable.
2. Ally is unable to confirm that the Vehicle is covered by insurance.
3. The Debtor has not provided adequate protection to Ally.

VI.

The provisions of FRBP 4001(a)(3) should be waived and Ally should be permitted to immediately enforce and implement any order granting relief from the automatic stay immediately upon signing of the Order lifting and terminating the automatic stay.

WHEREUPON, Ally requests that the automatic stay be modified, terminated or lifted to permit Ally to exercise its contractual and state law rights and remedies with respect to the Lease and the Vehicle. Ally further prays that the Court waive the provision of FRBP 4001(a)(3) and that Ally be permitted to immediately enforce and implement any order granting relief from the Automatic Stay. Ally further prays for such other and further relief to which it may show itself justly entitled.

Respectfully submitted,

/s/ James R. Gravley

JAMES R. GRAVLEY

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Abilene, Texas 79604-3579

Phone: (325) 677-4190

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ATTORNEY FOR ALLY

NOTICE

PURSUANT TO LOCAL BANKRUPTCY RULE 4001-1(b), A RESPONSE IS REQUIRED TO THIS MOTION, OR THE ALLEGATIONS IN THE MOTION MAY BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED BY DEFAULT.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 1205 TEXAS AVENUE, LUBBOCK, TEXAS, BEFORE CLOSE OF BUSINESS ON OCTOBER 10, 2018, WHICH IS AT LEAST 14 DAYS FROM THE DATE OF SERVICE HEREOF. A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY AND ANY TRUSTEE OR EXAMINER APPOINTED IN THE CASE. ANY RESPONSE SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE “ADEQUATELY PROTECTED” IF THE STAY IS TO BE CONTINUED.

IF A RESPONSE IS FILED, A FINAL HEARING ON THE MOTION WILL BE HELD AT 1:30 P.M. ON THE 14TH DAY OF NOVEMBER, 2018, IN ROOM 314, U.S. COURTHOUSE, 1205 TEXAS AVENUE, LUBBOCK, TEXAS. THE RESPONSE MUST CONTAIN THE INFORMATION REQUIRED BY N.D. TEX. L.B.R. 4001.1(b).

CERTIFICATE OF SERVICE

I, James R. Gravley, certify that on the 26th day of September, 2018, a true and correct copy of the foregoing was served electronically through the Court’s Electronic Case Filing (“ECF”) System on all parties registered to receive such service. I further certify that on the same date a true

and correct copy of the foregoing was served by first class mail upon the following, at the addresses indicated:

Reagor-Dykes Motors, LP
1215 Ave. J.
Lubbock, Texas 79401

Marcus Alan Helt
Foley & Lardner LLP
2021 McKinney Avenue, Suite 1600
Dallas, Texas 75201

U.S. Trustee's Office
1100 Commerce Street, Room 976
Dallas, Texas 75242

In addition, a true and correct copy of the foregoing Motion was served by United States First Class Mail on each of the twenty (20) largest unsecured creditors listed in the Official Form 204, filed in Case No. 18-50215, as follows:

1-800 Radiator
P.O. Box 2786
Amarillo, Texas 79105

Advantage Supply
P.O. Box 471103
Fort Worth, Texas 76147

AlSCO Inc.
404 N. University
Lubbock, Texas 79415

American Tire Distribution
8814 Senator Circle
Wolfforth, Texas 79382

Auto Plus
3319 82nd St.
Lubbock, Texas 79423

Auto Trim & UP
Fischer Auto Glass
6832 Wayne Ave., Suite F
Lubbock, Texas 79424

Auto Zone Stores, Inc.
P.O. Box 116067
Atlanta, GA 30368-6067

CND Body Works
8809 Valencia Ave.
Lubbock, Texas 79424

Digicut Systems
7700 E. 38th St.
Tulsa, OK 74145

Discount Tire Company
P.O. Box 29851
Phoenix, AZ 85038-9851

Earl Owen Company
1235 West Trinity Mills Rd.
Carrollton, Texas 75006

Frontier Dodge
5801 Spur 327
Lubbock, Texas 79424

Gene Messer
6161 Rothway Street
Houston, Texas 77040

O'Reilly Auto Parts
P.O. Box 9464
Springfield, MO 65801-9464

Quantumlinq Computing
P.O. Box 6682
Lubbock, Texas 79493

R & D Cleaning & Floor Service
7420 Glove Ave.
Lubbock, Texas 79404

Scoggin Dickey Buick GMC
P.O. Box 64910
Lubbock, Texas 79464

South Plains Towing LLC
P.O. Box 64368
Lubbock, Texas 79464

UPS
Lockbox 577
Carol Stream, IL 60132

West Texas Pal, Inc.
P.O. Box 131809
Spring, Texas 77393

Signed this 26 day of September, 2018.

/s/ James R. Gravley
James R. Gravley

CERTIFICATE OF CONFERENCE

I hereby certify that, more than 48 hours prior to the filing of the foregoing Motion I attempted to confer with Debtors' counsel, in a good faith attempt to resolve the issues set forth in the foregoing Motion. I have been unable to reach Debtors' counsel and my call has not been returned.

SIGNED the 26th day of September, 2018.

/s/ James R. Gravley
James R. Gravley

SUMMARY OF EXHIBITS

Exhibit "A": A true and correct copy of the Lease.

Exhibit "B": A true and correct copy of the Certificate of Title to the Vehicle.

Exhibit "C": A true and correct copy of letter dated 09-06-2018 from Ally.